

# ALSTON & BIRD

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25 September 2024

**VIA ECF**

Judge Vernon S. Broderick, U.S.D.J.  
Judge Jennifer E. Willis, U.S.M.J.  
United States District Court Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007  
(212) 805-6165

**APPLICATION GRANTED**

**SO ORDERED** 

**VERNON S. BRODERICK**

**U.S.D.J. 9/26/2024**

The parties are directed to contact Judge Willis' Chambers with proposed dates for a settlement conference in January 2025.

Re: *Mitchell Birner v. Kensington Vanguard Holdings, LLC*  
Case No. 1:24-cv-02743-VSB (SDNY)

Dear Judge Broderick:

We are counsel to Defendant Kensington Vanguard Holdings, LLC in the above-captioned matter and write, with the consent of counsel for the Plaintiff, Mitchell Birner, to request a 90-day extension of all deadlines in the Case Management Plan and Scheduling Order (ECF No. 20, the "Scheduling Order"). This is the first request for an extension of the Scheduling order.

We make this request as a result of the difficulty Defendant is having in producing responsive document discovery. As a consequence of a spin-off transaction resulting in the sale of Defendant by Truist Financial Corporation to its current private owners in May 2024, Defendant's efforts to collect and produce documents responsive to Plaintiff's Requests have been complicated and delayed by systems migrations issues and changes in personnel. Notwithstanding these issues, Defendant has committed to produce documents responsive to Plaintiff's Requests on a rolling basis every two weeks, and to complete the production by the end of November, if not sooner. We believe a 90-day extension of the remaining deadlines will best position the parties to complete productions and depositions without the need for further extensions. In that regard, a Settlement Conference is presently scheduled before Magistrate Judge Willis on October 22, 2024. The parties agree that the Settlement Conference would be most meaningful after Plaintiff has had a fair opportunity to review and evaluate the Defendant's document production and ask that the Settlement Conference be rescheduled to mid-December 2024.

Accordingly, the parties respectfully request that the Court enter the proposed Revised Case Management Plan and Scheduling Order attached hereto.

HandlingNotationList

VIA ECF

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Respectfully submitted,

*/s/ Seth M. Cohen*

Seth M. Cohen